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Formal Complaint to the Washington State Public Disclosure Commission
Relating to an Elected Official or Candidate for Public Office

SEP 23 2005

Public Disclosure Commission

Name of Official or Candidate: DIANE LASCH

Address of Official or Candidate: 34620 9TH AVE S.

Official's or Candidate's FEDERAL WAY WA 98003
City State Zip Code

Official's or Candidate's Telephone: 253-945-3287
(Include Area Code)

Official's or Candidate's E-Mail Address: _____
(If known)

Your signature: 

Your printed name: RYAN BEDFORD

Street address: 2403 PACIFIC AVE. SE

City, state and zip code: OLYMPIA, WA 98501

Telephone number: 360-956-3482

E-Mail Address: (Optional) rbedford@effwa.org

Date Signed: 9/20/05

Place Signed (City and County): OLYMPIA THURSTON
City County

Complaint: (Attach Complaint and Certification)

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Certification for a **Public Disclosure Commission**
Complaint to the Washington State Public Disclosure Commission Relating to an
Elected Official or Candidate for Public Office
(Notary Not Required)

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the facts set forth in this attached complaint are true and correct.

Your signature: 

Your printed name: RYAN BEDFORD

Street address: 2403 PACIFIC AVE SE.

City, state and zip code: OLYMPIA, WA 98501

Telephone number: 360-956-3482

E-Mail Address: (Optional) rbedford@affwa.org

Date Signed: 9/20/05

Place Signed (City and County): OLYMPIA THURSTON
City County

*RCW 9A.72.040 provides that: "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

COMPLAINT ATTACHED



EVERGREEN FREEDOM FOUNDATION

...because freedom matters!

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Public Disclosure Commission

September 20, 2005

Mr. Phil Stutzman
Director of Compliance
Public Disclosure Commission
PO Box 40908
Olympia, WA 98504

Dear Mr. Stutzman:

The Evergreen Freedom Foundation requests that the Public Disclosure Commission (PDC) investigate Federal Way School District Employee Diane Lasch, teacher at the Federal Way Public Academy and Federal Way Education Association (FWEA) building representative at Public Academy, for her use of public facilities to conduct political campaign activities in violation of RCW 42.17.130.

Statement of Facts

Under the direction of FWEA president and school district employee Shannon Rasmussen, FWEA building representative Diane Lasch—who is also a teacher at Federal Way's Public Academy—placed the FWEA's September 6, 2005 edition of its newsletter, "Update," in teacher mailboxes at Federal Way's Public Academy. Ms. Lasch admitted to distributing the newsletter "Update" and her statements are backed up by the school's secretary, Dawn Dell.

The newsletter was also distributed in each of the Federal Way School District's other 39 schools.

The newsletter contained an article entitled "School Board Update" that informed readers of the School Board Election Committee's decision to endorse Grace Rawsthorne as candidate for the upcoming school board election. The article repeated the candidates' stands the FWEA agrees with and encourages readers to attend the campaign kickoff celebration.

"Be sure to attend Grace's campaign kickoff celebration on September 22nd from 6:00-7:30 p.m. at the Best Western Executel."

A copy of the newsletter containing the article is attached.

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*Applicable Law****RCW 42.17.130***

Public Disclosure Commission

The use of teachers' publicly owned mail boxes is in violation of state law as interpreted, enforced and explained by the PDC. RCW 42.17.130 states:

"No...person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition."

Guidelines for School Districts in Election Campaigns

The PDC's publication, "Guidelines for School Districts in Election Campaigns,"¹ explains the PDC's practical application of the law. The guidelines specifically prohibit union representatives from using "the school's internal mail or email system to communicate campaign-related information, including endorsements" and using "public resources (including but not limited to internal mail systems, email systems, copiers, telephone)... to support or oppose a candidate or ballot measure, whether during or outside of work hours."

Case Law

The Commissioners have repeatedly fined teachers and union representatives for engaging in politicking on school property, on school time, or using school facilities. On January 24, 2005, the Commission ruled on four cases regarding teachers' use of public school facilities in support of placing Referendum 55 and Initiative 884 on the November 2, 2004, ballot. The teachers—who were union representatives—distributed information on R-55 and I-884 by using school district mailboxes (as in the present case) and e-mail systems. The Commission found the activities to be in clear violation of state law. The cases were:

Case #04-663 regarding Ed Herbert, Teacher, Ballard High School, Seattle School District,

Case #04-664 regarding Dennis Nusbaum, Ballard High School, Seattle School District

Case #05-002 regarding Kathy Lamoreaux, Battleground School District

Case #04-533 regarding Amy Fields, Monroe School District

Each teacher received a \$500 fine (\$450 suspended pending no future violations.).

During the hearing, Commission Chair, Earl Tilly expressed dissatisfaction with the Washington Education Association's (WEA) response to its members' violations over the years. He asked whether the WEA adequately trains its staff to avoid campaigning

¹ <http://www.pdc.wa.gov/guide/interpretations/pdf/01-03A.pdf>

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violations, but the WEA did not give a clear answer. In light of this possible Public Disclosure Commission
is clear that the WEA does not take its duty to adequately train its members seriously.

Conclusion

The FWEA's newsletter specifically endorsed Grace Rawsthorne as school board candidate and encouraged readers to attend her kicking off party. The newsletter was distributed by union representatives using public facilities in violation of state law and PDC guidelines. It is therefore requested that the PDC investigate the campaign activity that occurred in Federal Way schools.

While the PDC cannot enforce the law against private organizations, considering the extensive records of past violations by WEA members and representatives, the PDC may take other measures it deems necessary to ensure that the WEA and its affiliates stop distributing misleading information, putting innocent teachers at risk.

Sincerely,



Ryan Bedford
Labor Policy Analyst
Evergreen Freedom Foundation

Contact Information

Dawn Dell - Secretary
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Federal Way, WA 98063-9100
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Public Disclosure Commission

Update

September 6, 2005

Federal Way Education Association



Everything starts anew...

by Shannon Rasmussen, President

The trees are losing their leaves, department stores are packed with kids and parents choosing new clothing, and I am preparing to head to the other side of the state for my annual trek to the Ellensburg Rodeo with special friends - it must be the end of summer! Although summer, as always, went by much too quickly, I always experience a sense of excitement and promise that accompanies the start of school.

Along with the start of school, the end of summer also brings the announcement of state test scores. Although I don't believe WASL test scores in any way capture the magnitude of what we do in our classrooms, please accept my congratulations on the improvement made in some manner in every school in the Federal Way School District. I am proud of the professionalism with which you all face your positions in your schools, and look forward to another year of positive public education experiences for the children of Federal Way.

Welcome Back!

Calendar of Events

Sept. 6 ~ First Day of School
Welcome Back!

Sept. 19 ~ AR/Principal Joint Meeting
4:30 p.m., WEA

www.federalwayea.org

School Board Update

Our School Board Election Committee was industrious this summer; they met to discuss a strategy for the upcoming School Board elections, developed a format for candidate interviews, prepared interview questions (both for the oral interviews, as well as written questions), and actually completed interviews of all six candidates for the two open seats.

After careful consideration, the Committee has made the following recommendations:

Position One: The Committee has chosen to endorse Grace Rawsthorne as she most closely aligned with the ideology of the FWEA. The committee was particularly pleased with her stance regarding the professional role of educators in making appropriate academic and principled decisions. Since there are only two candidates running for this position, the election will be November 8th. Be sure to attend Grace's campaign kick-off celebration on September 22nd from 6:00-7:30 p.m. at the Best Western Executel.

Position Four: Since there are four candidates for this position, the committee made the determination to wait until after the Primary Election to make a recommendation. The Primary Election is September 20th, so be sure to vote!

Our School Board makes decisions that most closely affect us in our daily school lives - if you would like to volunteer to work in ANY capacity in a School Board campaign, contact Tia at 253-838-8571, and she can put you in contact with the managers of the various campaigns.